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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Sudan

1. The Committee considered the initial report of the Sudan on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.41) at its 38th to 41st meetings, held on 21 and 22 August 2000, and adopted, at its 53rd meeting, held on 30 August 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the Sudan, which has been prepared in conformity with the revised reporting guidelines it has established. The Committee appreciates the readiness of the State party to advance the date of the presentation of its initial report, from November 2000 to August 2000, indicative of the State party's willingness to cooperate with the Committee.

3. The Committee also welcomes the written replies to its list of issues (E/C.12/Q/SUD/1) and the constructive dialogue between the high-level delegation of the Sudan and the Committee members.

4. The Committee regrets, however, that some of the written and oral information given by the State party was at times unsatisfactory.

B. Positive aspects

5. The Committee has taken due note of the expressed commitment of the State party to respect and promote human rights and the rule of law, and its expressed commitment to a process of democratization, with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan, a point welcomed by the Commission on Human Rights in paragraph 1 (h) of its resolution 2000/27.

6. The Committee notes with interest that since the fact-finding mission by the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the freedom of opinion and expression in 1999 pursuant to the invitation of the State party, there has been a broader degree of freedom of expression, press and assembly, as acknowledged by competent human rights sources, also facilitating the realization of economic, social and cultural rights under the Covenant.

7. The Committee also appreciates the willingness of the State party to cooperate with the Office of the United Nations High Commissioner for Human Rights (OHCHR), for example by facilitating a needs assessment mission in September 1999, and to explore further the ways in which more concrete cooperation between the Office and the State party may take form, such as the establishment of an OHCHR presence in the country.

8. The Committee notes with satisfaction the proclamation of the Constitution of the Sudan, providing for basic human rights and freedoms, which entered into force on 1 July 1998, as well as the establishment of the Constitutional Court in April 1999 and the creation of the Committee for the Eradication of Abduction of Women in May 1999 with cooperation between the State party and the international community and non-governmental organizations.

9. The Committee welcomes the Peace Agreement of 1997 for the Sudan, particularly since progress towards a peaceful settlement of the conflict in southern Sudan will greatly contribute to the creation of a better environment for the respect for human rights in the Sudan.

10. The Committee also welcomes the establishment of the Sudan National Committee for the Eradication of Harmful Practices, as well as the State party's various measures to improve the status of women, to alleviate or remove some of the obstacles to their freedom to travel, the Government's active campaign against female genital mutilation and against early marriage, the encouragement of child spacing, safe motherhood, women's and children's rights and reproductive health, and measures to increase the number of women working in government service.

11. The Committee takes note of the statement by the delegation to the effect that the revenues derived from oil exploration and exportation in southern Sudan will be used for financing social development programmes.

12. The Committee welcomes the State party's efforts in the field of education, in particular the establishment of 16 new universities, located in each department of the country, and the increased enrolment of women at all levels of education.

13. The Committee also acknowledges with appreciation the general unconditional amnesty granted by the President in June 2000 to all government opponents, inside and outside the Sudan.

C. Factors and difficulties impeding the implementation of the Covenant

14. The Committee regrets that, despite the 1997 Peace Agreement, the continuation of the war in southern Sudan is still adversely affecting the achievement of conditions conducive to the enjoyment of economic, social and cultural rights in the whole of the Sudan.

15. The Committee also notes with regret that the current economic and financial difficulties of the State party, particularly the problem of foreign debt, make it more difficult to start the much-needed process of moving towards modernization, democratization and the realization of human rights for all. The Committee has noted that the foreign debt alone amounted to over 22 billion United States dollars in 1998 and that, as a Least Developed Country (LDC), the State party has insufficient resources to meet its debt servicing obligations.

16. The factors impeding the realization of economic, social and cultural rights include the great size of the country, the lack of infrastructure, such as a road network, hospitals and schools, the civil war in the south, and the economic difficulties mentioned earlier, all of which have exacerbated the difficulties preventing the State party from adequately addressing the problem of widespread poverty.

D. Principal subjects of concern

17. The Committee notes with concern that there is a lack of clarity as to the legal status of the Covenant in the Sudanese domestic legal order, despite the incorporation in the Constitution of some provisions concerning economic, social and cultural rights, given the fact that there are a number of laws which are applicable to the different components of Sudanese society, such as the Islamic, Christian and other segments of society.

18. The Committee also notes with concern the apparent lack of clarity as to the precise status of Islamic shariah, its applicability, and the confusion it may lead to in cases where there may be a contradiction or discord between the narrow interpretation of the tenets of Islamic shariah and the provisions of statutory law.

19. Despite the Constitutional provisions proclaiming the independence of the judiciary, the Committee is concerned that the judiciary still lacks the necessary degree of independence to guarantee the implementation and protection of economic, social and cultural rights.

20. The Committee expresses its deep concern over the considerable divergence in the Sudan between the Constitutional provisions guaranteeing rights and freedoms, on the one hand, and some of the legal provisions, as well as traditional customs and practice, on the other hand. A flagrant example is the societal and legal status of women in general, the low degree of women's participation in public life and the provisions in criminal and family law regarding equality in marital relations.

21. The Committee regrets the lack of precise information and reliable comparable statistics, which has hampered its full assessment of the progressive implementation of the Covenant in the Sudan.

22. The Committee is concerned about the continuing occurrence of abductions of women and children on a large scale by different tribes.

23. Furthermore, the Committee is concerned about the fact that some restrictions on the freedoms of religion, expression and association and peaceful assembly still exist, thereby hampering the enjoyment of economic, social and cultural rights by many Sudanese.

24. The Committee is also gravely concerned about the occurrence of flagellation or lashing of women for wearing allegedly indecent dress or for being out in the street after dusk, on the basis of the Public Order Act of 1996, which has seriously limited the freedom of movement and of expression of women.

25. The Committee is concerned at the bombardment of villages and camps of the civilian population, in the war zones in southern Sudan, including the bombing of schools and hospitals. In addition, the Committee expresses its concern about the reported resort to the weapon of deprivation of food and the creation of a man-made famine as an instrument of war, coupled with the diversion of humanitarian food aid supplies from groups of the population in need.

26. The Committee is also gravely concerned about the considerable number of internally displaced persons, many of whom are women and abandoned children, who have migrated from the war zones in the south to the north, where they live in abject poverty and without adequate shelter or employment.

27. The Committee expresses its concern regarding the persisting problem of malaria, often a cause of death in the State party, as well as the increasing incidence of HIV/AIDS. A lack of medicines at affordable prices compounds these difficulties.

28. The Committee expresses its concern that the high illiteracy rate, especially among rural women, deprives the State party of the much needed economic and social contribution that Sudanese women could and should make to their society, especially if and when the State party finds its way to eliminating all aspects of discrimination against women in the Sudan.

E. Suggestions and recommendations

29. The Committee recommends that the State party provide more detailed information on the status of the Covenant in the Sudanese domestic legal order in its second periodic report, as well as on the direct applicability of the Covenant in the courts of law.

30. The Committee also recommends that the constitutional guarantee of the independence of the judiciary be fully implemented in practice, and that the State party should safeguard the conditions that contribute to the real independence of judges.

31. In the light of the recent establishment of committees addressing specific human rights issues, the Committee encourages the State party to establish an independent national human rights institution, in accordance with the 1991 Paris Principles.

32. The Committee also urges the State party to take adequate measures to enhance awareness of human rights at all levels of Sudanese society, including government officials, the judiciary, the military, and the security and police forces. The Committee recommends that the State party address this issue in the context of the current cooperation with the Office of the High Commissioner for Human Rights.

33. The Committee requests the State party to provide information on the factual situation concerning abductions in the conflict areas of the country, particularly of women and children, leading to slavery or forced labour. Moreover, the Committee encourages the Committee for the Eradication of Abduction of Women and Children (CEAWC) to continue its work, and to move towards the identification of solutions to the problem with a view to their implementation.

34. The Committee strongly recommends that the State party reconsider existing legislation, particularly the 1996 Public Order Act, in order to eliminate discrimination against women, thereby ensuring their full enjoyment of human rights in general and economic, social and cultural rights in particular.

35. The Committee requests that the State party provide statistical data and precise information concerning the situation of poverty and the status of unemployment in the Sudan.

36. The Committee requests the State party to provide more detailed information on the status of trade unions and their activities.

37. The Committee urges the State party to address the root causes of the problem of internally displaced persons and in the short and medium term, to cooperate fully with international and non-governmental organizations in the field, in order to provide for adequate (interim) measures ensuring the basic needs of this group, such as adequate basic shelter, employment, food and health care, and the continuation of education for the children.

38. It is recommended that the State party develop specific measures to eliminate ingrained harmful traditions, customs and prejudices against women, such as female genital mutilation, the limitation of their freedom of movement and expression, and any obstacles that hinder women's full participation in society.

39. The Committee recommends that the State party monitor and evaluate the implementation of relevant legislation relating to human rights. In its subsequent reports the State party is requested to include information on: mechanisms for the receipt of complaints of alleged violations of economic, social and cultural rights; the conduct of investigations and prosecutions; and statistics on subsequent decisions, and their execution.

40. The Committee urges the State party to devote adequate attention to identifying its most urgent problems and concerns about economic, social and cultural rights under the Covenant and to formulate these priorities in a comprehensive plan of action for human rights, in which the possible measures to be taken are categorized according to feasibility of realization in terms of time and resources. The State party is encouraged to request the assistance of the Office of the High Commissioner for Human Rights in this regard.

41. Finally, the Committee requests the State party to ensure the wide dissemination in Sudan of its present concluding observations and to inform the Committee of steps taken to implement those recommendations in its second periodic report, to be submitted on 30 June 2003.